

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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JOHN M. STACK,

Plaintiff,

-against-

KARR-BARTH ASSOCIATES, INC.,
AXA ADVISORS, LLC, and
AXA NETWORK, LLC,

Defendants.
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VALERIE CAPRONI, United States District Judge:

18-CV-10371 (VEC)

ORDER

WHEREAS on January 7, 2020, the parties appeared telephonically to determine whether Plaintiff should be precluded from deposing three of Defendants' clients, Charles Kahn, Edna Kahn, and Stephen Castleton;

WHEREAS Defendants reassigned those clients' accounts from Plaintiff to another agent while Plaintiff was on medical leave;

WHEREAS Plaintiff contends that testimony from the clients is relevant to show whether Defendants failed to accommodate Plaintiff's leave and disability by failing to inform the reassigned clients of Plaintiff's circumstances; and


WHEREAS there is no dispute that Charles and Edna Kahn requested reassignment to another agent prior to Plaintiff beginning his term of leave, and their request for reassignment had no apparent relationship to any leave or disability;

IT IS HEREBY ORDERED that Defendants' motion to preclude Plaintiff from deposing their clients is GRANTED as to Mr. and Mrs. Kahn and DENIED as to Mr. Castleton. Mr.

Castleton's deposition, which shall be limited to 30 minutes by phone, must be completed by the fact discovery deadline, January 23, 2020.

SO ORDERED.

Date: January 8, 2020
New York, New York


VALERIE CAPRONI
United States District Judge